

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TERRISA DRAKE,

Plaintiff,

v.

COLLECTECH DIVERSIFIED, INC., and  
LUBBOCK POWER AND LIGHT;

Defendants.

5:21-CV-00147  
No. \_\_\_\_\_

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

**I.**

Collectech Diversified, Inc. is a named defendant in a civil action filed on January 20, 2021, in Justice of the Peace court, Precinct 3, Guadalupe County, Texas. A copy of all required documents is attached hereto.

**II.**

The citation was served on Collectech Diversified, Inc. on February 2, 2021. This notice of removal is filed within 30 days of service and is timely pursuant to 28 U.S.C. § 1446(b).

**III.**

The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Collectech pursuant to 28 U.S.C. §§ 1441 and 1446. The state-court petition alleges violations of the Fair Debt Collection Practices Act and the Fair Credit Reporting Act, and thus the action arises “under the Constitution, laws, or treaties of the United States.” See 28 U.S.C. § 1331.

**IV.**

Removal of this action is proper under 28 U.S.C. § 1441 because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter as the case arises under federal law.

Respectfully submitted,

JENKINS & YOUNG, P.C.  
P.O. Box 420  
Lubbock, Texas 79408  
(806) 796-7351  
(806) 771-8755 FAX  
Email: jdjservice@jwylaw.com

By: /s/ Jody D. Jenkins

Jody D. Jenkins  
State Bar No. 24029634  
**ATTORNEYS FOR COLLECTECH**

**CERTIFICATE OF CONFERENCE**

This is to certify that counsel for Collectech consulted with counsel for the unserved defendant, Lubbock Power and Light, regarding this case on February 10th and 11th, 2021, and Lubbock Power and Light is in agreement with removal of this case.

/s/ Jody D. Jenkins  
Jody D. Jenkins

**CERTIFICATE OF SERVICE**

This is to certify that a copy of this document has been served on all parties via certified mail on the ~~12th~~ day of February, 2021.  
15th

/s/ Jody D. Jenkins  
Jody D. Jenkins

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Terrisa Drake

(b) County of Residence of First Listed Plaintiff Guadalupe  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)  
Pro se**DEFENDANTS**

Collectech Diversified, Inc.; Lubbock Power and Light

County of Residence of First Listed Defendant Lubbock

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Jody Jenkins (Collectech Diversified); Manny Newburger  
(Lubbock Power and Light)**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |  |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)   |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act	340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	355 Motor Vehicle Product Liability		<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 190 Other Contract	360 Other Personal Injury		<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability	362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 850 Securities/Commodities Exchange	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	446 Amer. w/Disabilities - Other	<b>Other:</b>		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS—Third Party	
		<input type="checkbox"/> 555 Prison Condition	26 USC 7609	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		IMMIGRATION	FEDERAL TAX SUITS	
		<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 871 IRS—Third Party	
			26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- |  |  |  |   |  |  |   |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. 1692; 15 U.S.C. 1681**VI. CAUSE OF ACTION**Brief description of cause:  
Allegations of FDCPA/FCRA violations**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$10,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/12/2021

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
San Antonio  DIVISION

Supplement to JS 44 Civil Cover Sheet  
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

**STATE COURT INFORMATION:**

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

Guadalupe County Justice of the Peace, Precinct No. 3  
Cause No. JSC3-1902; Terrisa Drake v. Collectech Diversified, Inc. and Lubbock Power and Light

2. Was jury demand made in State Court?  Yes  No

If yes, by which party and on what date?

Party Name Date

**STATE COURT INFORMATION:**

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Plaintiff: Terrisa Drake

Defendants: (1) Collectech Diversified, represented by Jody Jenkins, 1623 10th Street, Lubbock, Texas 79401; Phone 806-796-7351, Fax 806-771-8755

(2) Lubbock Power and Light, represented by Manny Newburger, 7320 N. Mopac Expressway, Suite 400, Austin, Texas 78731; Phone 512-476-9103; Fax 512-279-0310

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

Lubbock Power and Light has not yet been served. The reason for delay in service is unknown to Collectech Diversified.

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

Not applicable.

**COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:**

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

None.

**VERIFICATION:**

2/12/2021

Attorney for Removing Party

Date

Collectech Diversified

Party/Parties

(NOTE: Additional comment space is available on page 3)

**ADDITIONAL COMMENTS (As necessary):**

Lubbock Power and Light has consented to the removal of this case through their general counsel, Jenny Smith, on February 10, 2021. It is Collectech's understanding that Lubbock Power and Light has not yet been served.

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Location : Guadalupe Help

## REGISTER OF ACTIONS

### CASE No. JSC3-1902

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**PARTY INFORMATION**

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Defendant	<b>COLLECTECH DIVERSIFIED INC, LUBBOCK POWER AND LIGHT</b>	Attorneys
Plaintiff	<b>DRAKE, TERRISA</b>	

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**EVENTS & ORDERS OF THE COURT**

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OTHER EVENTS AND HEARINGS			
01/20/2021	<b>Case Filed (OCA New Case)</b>		
01/20/2021	<b>Comment</b>		
01/28/2021	<b>CITATION ASSIGNED</b>		
01/28/2021	<b>Small Claims Citation</b>		
	COLLECTECH DIVERSIFIED INC, LUBBOCK POWER Served	02/02/2021	
	AND LIGHT	Response Due	02/12/2021
		Returned	02/09/2021
01/28/2021	<b>Comment</b>		
02/02/2021	<b>Comment</b>		
02/02/2021	<b>CITATION EXECUTED</b>		
02/08/2021	<b>Comment</b>		
02/09/2021	<b>CITATION RETURNED</b>		
02/10/2021	<b>Comment</b>		

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**FINANCIAL INFORMATION**

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<b>Plaintiff DRAKE, TERRISA</b>			
Total Financial Assessment			46.00
Total Payments and Credits			46.00
<b>Balance Due as of 02/11/2021</b>			<b>0.00</b>
01/20/2021 Transaction Assessment			131.00
01/20/2021 Payment	Receipt # 13032-J3	DRAKE, TERRISA	(46.00)

THE STATE OF TEXAS  
COUNTY OF GUADALUPE  
SMALL CLAIMS CITATION

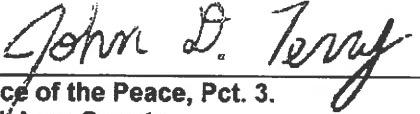
TO: Collectech Diversified Inc, Lubbock Power And Light  
1721 45th Street  
Lubbock Tx 79412

You have been sued. You may employ an attorney. If you or your attorney does not file a *written* answer with the clerk who issued this citation by the expiration of fourteen days after you were served this citation and petition, a default judgment may be taken against you.

You are hereby commanded to appear to file a written answer, at or before the expiration of fourteen days from the date of service of this citation upon you, at my office located at 1101 Eibel Road, Suite 6, Schertz, Texas 78154 to answer in the suit of: Terrisa Drake Vs. Collectech Diversified Inc, Lubbock Power And Light, being Cause # JSC3-1902 on the docket of said court, the Plaintiff's demand being for the sum of \$10,000.00 due upon SEE COPY OF ORIGINAL PETITION ATTACHED.

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand in Schertz, Guadalupe County, Texas, on this the 28th day of January, 2021.

  
\_\_\_\_\_  
Justice of the Peace, Pct. 3.  
Guadalupe County

(210) 945-6685

Cause : JSC3-1902  
Plaintiffs: Terrisa Drake

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_ o'clock \_\_\_\_ m.

Executed at \_\_\_\_\_ within the County of Lubbock,  
at \_\_\_\_\_ o'clock \_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 by delivering each in person,  
a true copy of said citation together with accompanying copy of the petition and endorsed on such copy of  
citation the date of delivery.

Not executed for the following reasons: \_\_\_\_\_.

The Defendant may be found at: \_\_\_\_\_.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY ~~Delivered this~~ 2 day of Feb, 2021

Kelly S. Rowe

Constable Deputy/ Sheriff  
Lubbock County, Texas

By  Deputy

## **PETITION: SMALL CLAIMS CASE**

CASE NO. (court use only) JSC3-1902

**In the Justice Court, Precinct 3, Guadalupe County,**

Texas PLAINTIFF Terri Lee Drake

VS.  
DEFENDANT(S): Collectedch Diversified Inc., Lubbock Power and Light

Defendant(s) address: 1721 45th Street, Lubbock Tx 79412, P.O. Box 2000, Lubbock Tx 79457

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:  
§ 807 - False or misleading information referred to in § 15 USC 1962c (5)  
Communicating or threatening to communicate to any person credit information  
which is known or which should be known to be false, including  
the failure to communicate that a disputed debt is disputed.

**RELIEF:** Plaintiff seeks damages in the amount of \$ 10,000, and/or return of personal property as described as follows (be specific): \_\_\_\_\_ which has a value of \$ \_\_\_\_\_.

**Additionally, plaintiff seeks the following:** \_\_\_\_\_

**SERVICE OF CITATION:** Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: \_\_\_\_\_.

Terrise Drake  
Petitioner's Printed Name

Jens J. Anhe

**DEFENDANT(S) INFORMATION (if known):**

**ADDRESS OF PRACTICING ATTORNEY, IF ANY, OR PRACTICING FIRM**

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

Scheritz IX 18159

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF DRIVER LICENSE: \_\_\_\_\_

\*LAST 3 NUMBERS OF SOCIAL SECURITY: \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**DEFENDANT'S PHONE NUMBER:** \_\_\_\_\_

806-218-1538 phone



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS®  
This form may be used for domestic and international mail.

From: Collectech Diversified I  
PO Box 12027  
Lubbock TX 79452



To: Terrisa Drake  
Po Box 273  
Schertz TX 78154



PS Form 3817, April 2007 PSN 7530-02-000-9065



Certificate Of Mail

This Certificate of Mailing provides evidence that mail has been presented to USPS® for m  
This form may be used for domestic and international mail.

From: Collectech Diversified I  
PO Box 12027  
Lubbock TX 79452



To: Terrisa Drake  
Po Box 273  
Schertz, TX 78154



PS Form 3817, April 2007 PSN 7530-02-000-9065

Collectech Diversified, Inc.  
1721 45TH STREET  
LUBBOCK, TX 79412  
Phone (806)-762-2090

Date: 10/29/2020

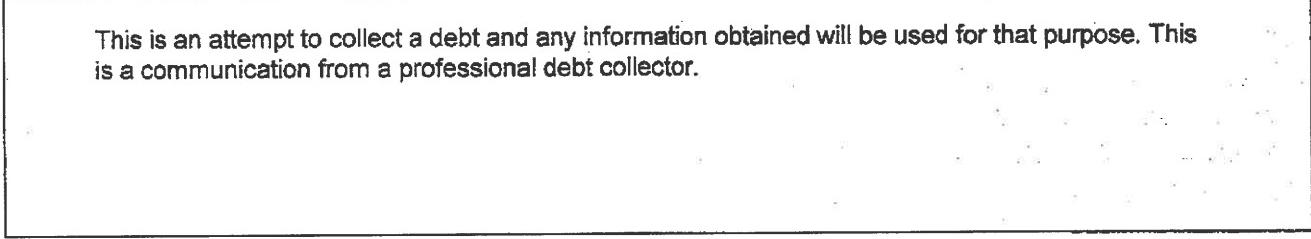
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TERRISA DRAKE  
PO BOX 273  
SCHERTZ TX 78154

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This is an attempt to collect a debt and any information obtained will be used for that purpose. This is a communication from a professional debt collector.

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A large rectangular area of the page is completely redacted with a solid black color, obscuring several lines of text that would normally appear below the debt collection notice.